

EC2021-95**ADOPTION ACT
REGULATIONS
AMENDMENT**

Pursuant to section 57 of the *Adoption Act* R.S.P.E.I. 1988, Cap. A-4.1, Council made the following regulations:

1. The *Adoption Act* Regulations (EC526/93) are amended by the addition of the following after section 86:

86.1 For the purpose of subsection 47(5) and section 48.3 of the Act, the following information from an adopted person's original birth registration is prescribed:

Information from
original birth
registration

- (a) name at birth;
- (b) date of birth;
- (c) place of birth;
- (d) name of birth mother;
- (e) place of birth of birth mother;
- (f) name of birth father or other parent;
- (g) place of birth of birth father or other parent.

2. These regulations come into force on February 27, 2021.

EXPLANATORY NOTES

SECTION 1 prescribes information to be provided to the Director by the Director of Vital Statistics and disclosed to an adopted person from the original birth certificate of an adopted person.

SECTION 2 provides for the commencement of these regulations.

EC2021-96**BOILERS AND PRESSURE VESSELS ACT
ADVISORY BOARD
APPOINTMENTS**

Pursuant to section 30 of the *Boilers and Pressure Vessels Act* R.S.P.E.I. 1988, Cap. B-5 Council made the following appointments:

NAME	TERM OF APPOINTMENT
Nancy Chiasson Stratford (reappointed)	17 January 2020 to 17 January 2023
David McCarthy Stratford (reappointed)	17 January 2020 17 January 2023

Further, Council designated Nancy Chiasson as chairperson of the Advisory Board pursuant to subsection 30(2) of the said Act.

EC2021-97**CHILDREN'S LAW ACT
DECLARATION RE**

Under authority of section 104 of the *Children's Law Act* Stats. P.E.I. 2020, c. 59 Council ordered that a Proclamation do issue proclaiming the said "Children's Law Act" to come into force effective March 1, 2021.

EC2021-98**CHILDREN'S LAW ACT
CHILD SUPPORT REGULATIONS**

Pursuant to section 87 of the *Children's Law Act* R.S.P.E.I. 1988, Cap. C-6.1, Council made the following regulations:

PART 1 – INTERPRETATION AND ADMINISTRATION**1. In these regulations,**

- | | |
|---|-------------------------------------|
| | Definitions |
| (a) "Act" means the <i>Children's Law Act</i> R.S.P.E.I. 1988, Cap. C-6.1; | Act |
| (b) "agreement" means an agreement referred to in subsection 10(1) of the Act entered into before, on or after the date these regulations come into force, that requires | agreement |
| (i) the payment of child support, and | |
| (ii) the annual review and recalculation, in accordance with the child support guidelines, of the child support payable under the agreement; | |
| (c) "anniversary date" means, in respect of an agreement, a child support order or recalculation order, or a notice given under subsection 8(1), the date in a year on which | anniversary date |
| (i) the agreement or order was made, or | |
| (ii) the notice was sent, in a prior year; | |
| (d) "child support order" means an order made by the court before, on or after the date that these regulations come into force, that requires | child support order |
| (i) the payment of child support, and | |
| (ii) the annual review and recalculation, in accordance with the child support guidelines, of the child support payable under the order; | |
| (e) "Child Support Services Office" means the Child Support Services Office continued by subsection 7(1) of the Act; | Child Support Services Office |
| (f) "deputy registrar" means the deputy registrar of the Family Section of the Supreme Court appointed under section 29 of the <i>Judicature Act</i> R.S.P.E.I. 1988, Cap. J-2.1; | deputy registrar |
| (g) "Director of Maintenance Enforcement" means the Director of Maintenance Enforcement appointed under section 2 of the <i>Maintenance Enforcement Act</i> R.S.P.E.I. 1988, Cap.M-1; | Director of Maintenance Enforcement |
| (h) "Federal Guidelines" means the Federal Child Support Guidelines established by regulation pursuant to section 26.1 of the <i>Divorce Act</i> (Canada), as amended from time to time; | Federal Guidelines |
| (i) "party" means, in respect of an agreement or child support order, a person who is required to pay or is entitled to receive child support under the agreement or child support order; | party |
| (j) "payor" means the party who is obliged to pay child support under an agreement or child support order; | payor |
| (k) "Recalculation Officer" means the Recalculation Officer designated under subsection 2(1); | Recalculation Officer |

- (l) “recalculation order” means an order issued under subsection 10(1) or 16(1); recalculation order
- (m) “special or extraordinary expense” means an expense referred to in section 7 of the Federal Guidelines. special or extraordinary expense
- 2.** (1) The Minister shall designate an employee of the Department as the Recalculation Officer. Designation of Recalculation Officer
- (2) The Recalculation Officer shall exercise the general direction and supervision of the Child Support Services Office. Duties
- (3) The Recalculation Officer may, in the exercise and performance of the powers and duties of the Recalculation Officer under the Act and these regulations, Use of computer programs, etc.
- (a) use computer programs or other technical aids; and
- (b) engage the services of or seek assistance from accountants or other experts as the Recalculation Officer considers appropriate.

PART 2 – CHILD SUPPORT GUIDELINES

- 3.** (1) The Federal Guidelines, subject to such modifications as are set out in this section, are adopted as the guidelines governing the making of orders for child support under the Act. Adoption of Federal Guidelines
- (2) The definition of “child” in section 2 of the Federal Guidelines is modified by Modification - definition of “child”
- (a) the deletion of the words “a child of the marriage”; and
- (b) the substitution of the words
- “(i) a child of a person as determined under Part 4 of the *Children’s Law Act*, or
- (ii) a child whom a person has demonstrated a settled intention to treat as the person’s child, except under an arrangement where the child is placed for valuable consideration in a foster home by the Director Child Protection”.
- (3) The definition of “order assignee” in section 2 of the Federal Guidelines is modified by Modification - definition of “order assignee”
- (a) the deletion of the words “a minister, member or agency referred to in subsection 20.1(1) of the Act to whom a child support order is assigned in accordance with that subsection”; and
- (b) the substitution of the words “a person or agency described under subsection 60(3) of the *Children’s Law Act*”.
- (4) The definition of “spouse” in section 2 of the Federal Guidelines is modified by Modification - definition of “spouse”
- (a) the deletion of the words “has the meaning assigned by subsection 2(1) of the Act, and includes a former spouse”; and
- (b) the substitution of the words “means a person with an obligation to provide child support for a child under section 58 of the *Children’s Law Act*”.
- (5) Section 14 of the Federal Guidelines shall be read as follows: Modification - section 14 of Federal Guidelines
- “For the purposes of section 64 of the *Children’s Law Act*, any one of the following constitutes a change of circumstances that gives rise to the making of a variation order in respect of a child support order
- (a) in the case where the amount of child support includes a determination made in accordance with the applicable table, any change in circumstances that would result in a different child support order or any provision of it;
- (b) in the case where the amount of child support does not include a determination made in accordance with a table, any change in the condition, means, needs or circumstances of either parent or of any child who is entitled to support; and
- (c) in the case of an order made before March 1, 2021, the coming into force of the Child Support Regulations under the *Children’s Law Act*.”
- 4.** The Federal Child Support Tables set out in Schedule I to the Federal Guidelines are adopted and form part of these regulations. Adoption of Federal Child Support Tables

**PART 3 - ADMINISTRATIVE RECALCULATION OF CHILD
SUPPORT**

5. (1) For the purposes of this Part, unless the context indicates otherwise, a reference to the income information of or for the payor, in respect of the review and recalculation in any year of the payor's obligation to pay child support, is a reference to

Income information
of payor

- (a) the income tax return that the payor filed with the Canada Customs and Revenue Agency for the immediately preceding year; and
- (b) a notice of assessment or reassessment issued to the payor by the Canada Customs and Revenue Agency for the immediately preceding year.

(2) For the purposes of this Part, the parties under an agreement or a child support order shall be deemed to have shared parenting time if each party has parenting time with the child for not less than 40 per cent of the time over the course of a year.

Parenting time
deemed equal

(3) For the purposes of this Part, a reference to the applicable table in respect of the recalculation of a payor's obligation to pay child support under an agreement or order is,

Applicable table

- (a) where the payor ordinarily resides in Prince Edward Island at the time of the recalculation, a reference to the table in Schedule I of the Federal Guidelines for Prince Edward Island ;
- (b) where the payor ordinarily resides in a place in Canada other than in Prince Edward Island at the time of the recalculation, a reference to the table in Schedule I of the Federal Guidelines for the province or territory in which the payor ordinarily resides;
- (c) where the payor ordinarily resides outside of Canada, or where the payor's residence is not known, at the time of the recalculation, a reference to
 - (i) the table in Schedule I of the Federal Guidelines for Prince Edward Island , if the recipient of the child support under the agreement or order ordinarily resides in Prince Edward Island at the time of the recalculation, or
 - (ii) the table in Schedule I of the Federal Guidelines for the province or territory in which the recipient of the child support under the agreement or order ordinarily resides at the time of the recalculation, if the recipient does not ordinarily reside in Prince Edward Island.

Review and Recalculation

6. (1) Subject to this Part, a party under an agreement or a child support order may apply to have the Recalculation Officer review and recalculate the amount of child support payable under the agreement or child support order by filing with the Child Support Services Office

Application to
Recalculation
Officer

- (a) an application in the form approved by the Recalculation Officer;
- (b) a copy of the agreement or child support order, as the case may be; and
- (c) a copy of the income information for the payor under the agreement or child support order, if the agreement or order was made before September 6, 2003.

(2) Subject to subsection (3), on receipt of an application referred to in subsection (1), the Recalculation Officer shall review and recalculate, in accordance with section 7, the amount of child support payable under an agreement or a child support order.

Review and
recalculation

(3) The Recalculation Officer shall, on receipt of an application referred to in subsection (1), refuse to review and recalculate the amount of child support payable under an agreement or a child support order where

Grounds for refusal

- (a) the agreement or child support order indicates that the amount of child support payable under it has been determined
 - (i) by taking into consideration
 - (A) the prevention of the undue hardship of a party or a child, or
 - (B) the fact that the parties share parenting time in respect of a child to whom the agreement or order applies, or

- (ii) after first determining the payor's annual income pursuant to sections 17 or 19 of the Federal Guidelines, or
- (iii) pursuant to clauses 3(2)(b) or 4(b), or section 5, of the Federal Guidelines; or
- (b) in the opinion of the Recalculation Officer, the application
 - (i) is made in respect of a matter for which an application should be made to the court under section 60 or 64 of the Act, or
 - (ii) is not made in accordance with the requirements of subsection (1).

(4) For greater certainty, where an agreement or a child support order includes an amount of child support for a special or extraordinary expense, the Recalculation Officer shall refuse to review and recalculate the amount of child support payable under the agreement or child support order for the special or extraordinary expense.

Special or
extraordinary
expense

(5) Where, on receipt of an application, the Recalculation Officer refuses to review and recalculate the child support payable under the agreement or child support order, the Recalculation Officer shall send, by regular mail, to the parties under the agreement or child support order a written notice that advises the parties of the refusal and of the reasons for the refusal.

Notice of refusal

(6) A notice sent by regular mail in accordance with subsection (5) is deemed to be received by a party upon the expiration of seven days after the notice is mailed to the party.

Deemed receipt of
notice

7. (1) This subsection and subsection (2) apply where, at least 30 days prior to the anniversary date of an agreement or a child support order, the Child Support Services Office is provided with the income information of the payor by

Recalculation using
income information
of payor

- (a) the payor, if the agreement or child support order was made on or after September 6, 2003; or
- (b) the applicant, if the agreement or order was made before September 6, 2003.

(2) The Recalculation Officer shall, before the anniversary date of an agreement or child support order, review and recalculate the amount of child support payable under the agreement or child support order in accordance with the applicable table by matching on the table the number of children under the age of majority to whom the agreement or child support order relates with the income of the payor, using the income information provided pursuant to subsection (1).

Recalculation
process

(3) Where, in respect of an agreement or a child support order made on or after September 6, 2003, the payor has not, at least 30 days before the anniversary date of the agreement or child support order, provided the Child Support Services Office with the income information required by the agreement or child support order, the Recalculation Officer shall review and recalculate the amount of child support payable under the agreement or child support order in accordance with the applicable table by matching on the table the number of children under the age of majority to whom the agreement or child support order relates with the deemed income of the payor, as determined in accordance with subsection (4).

Recalculation using
deemed income of
payor

(4) For the purposes of subsection (3), the income of the payor is deemed to be the sum of

Deemed income of
payor

- (a) the payor's income for the most recent preceding year during which the Child Support Services Office was provided, in or pursuant to the agreement or child support order, with income information for the payor; and
- (b) 10 per cent of the payor's income referred to in clause (a).

(5) When reviewing and recalculating under this section the amount of child support payable under an agreement or a child support order, the Recalculation Officer shall round the amount payable to the nearest dollar.

Rounding to nearest
dollar

8. (1) Where, after recalculating the amount of child support payable under an agreement or a child support order, the Recalculation Officer

Notice - no change
in amount payable

determines that the amount would increase or decrease by less than \$5 per month, the Recalculation Officer

- (a) shall not issue a recalculation order in respect of the application; and
- (b) shall send a notice, by regular mail, to the parties to the agreement or child support order that advises that no change in the amount of child support is required.

(2) Where, after recalculating the amount of child support payable under an agreement or a child support order the Recalculation Officer determines that the amount of child support would increase or decrease by \$5 or more per month, the Recalculation Officer shall send, by regular mail, a written notice to the parties to the agreement or child support order that advises them of

Notice - change in amount payable

- (a) the recalculated amount;
- (b) the payor's obligation under section 11 to pay the recalculated amount;
- (c) the right of each party
 - (i) to make an application to the court under section 64 of the Act seeking a variation in the amount payable under the agreement or child support order; and
 - (ii) to file a notice of objection in the form approved by the Minister with the Child Support Services Office to preclude, subject to subsection 10(1), the issuance of a recalculation order for that recalculated amount; and
- (d) the payor's right, in accordance with subsection 9(3), to object to the recalculation on the basis that the payor's income was less than the deemed income for the payor under subsection 7(4).

(3) A notice sent by regular mail in accordance with this section is deemed to be received by a party upon the expiration of seven days after the notice is mailed to the party.

Deemed receipt of notice

9. (1) Where a party to an agreement or a child support order intends to make an application to the court under section 64 of the Act, the party may, within 30 days after receipt of a notice referred to in subsection 8(2), file with the court and the Recalculation Office a completed notice of objection in the form approved by the Minister that indicates that the party will, within 60 days of filing the notice of objection with the court and the Child Support Services Office,

Notice of objection

- (a) make the application to the court under section 64 of the Act for a variation of the amount of child support payable under the agreement or child support order;
- (b) obtain a hearing date from the court for the application; and
- (c) serve a copy of the application and a notice of the hearing date on the other party and the Recalculation Officer.

(2) Where a party, in accordance with subsection (1), files a notice of objection to a recalculation for the reason referred to in that subsection, the Recalculation Officer may not issue a recalculation order in respect of the matter until one of the circumstances described in section 10 occurs.

Recalculation order may not be issued

(3) Where the payor's actual income for the immediately preceding year is less than the deemed income used by the Recalculation Officer for the recalculation, the payor may, within 30 days after the receipt of the notice referred to in subsection 8(2), object to the recalculation by filing with the court and the Recalculation Office

Objection relating to deemed income

- (a) a notice of objection in the form approved by the Minister, objecting to the recalculation on that basis; and
- (b) a copy of the income information for the payor for the immediately preceding year.

(4) Where a payor, in accordance with subsection (3), files a notice of objection and the income information referred to in that subsection, the Recalculation Officer shall

Effect of new income information

- (a) recalculate, in accordance with subsections 7(2) and (5), the amount of child support payable using the income information provided by the payor; and
- (b) comply with the requirements of section 8.

10. (1) After sending to the parties to an agreement or a child support order the recalculation notice required by subsection 8(2), the Recalculation Officer shall make a recalculation order in respect of the recalculation where

Recalculation order

(a) no party has, within 30 days after receipt of the notice of recalculation, filed a notice of objection under subsection 9(1) with the court and the Child Support Services Office; or

(b) a party has, within 30 days after receipt of the notice of recalculation, filed a notice of objection under subsection 9(1) with the court and the Child Support Services Office, and the party has

(i) failed, within 60 days after filing the notice of objection with the court and the Child Support Service Office, to do or obtain any of the things referred to in clauses 7(1)(a) to (c),

(ii) withdrawn the application made under clause 9(1)(a), or

(iii) failed, within 120 days after filing the notice of objection with the court and the Child Support Services Office, to have a court hearing of the application made under clause 9(1)(a).

(2) A recalculation order made by the Recalculation Officer shall be made in writing and indicate

Requirements of recalculation order

(a) the recalculated amount of child support;

(b) the date the payor is liable, pursuant to section 11, to pay the recalculated amount; and

(c) the relevant circumstances referred to in clause (1)(a) or (b) under which the recalculation order is issued.

(3) The Recalculation Officer shall

Recalculation order to be filed, etc.

(a) file a copy of the recalculation order with the deputy registrar of the court;

(b) send, by regular mail, a copy of the recalculation order to each of the parties; and

(c) provide a copy of the recalculation order to the Director of Maintenance Enforcement.

(4) An order sent by regular mail in accordance with subsection (3) is deemed to be received by a party upon the expiration of seven days after the order is mailed to the party.

Deemed receipt of order

11. After a recalculation order has been made by the Recalculation Officer in respect of an agreement or a child support order, the payor under the agreement or child support order is liable to pay the recalculated amount of child support set out in the recalculation order on the date each month provided for in the agreement or child support order, commencing the month immediately following the month during which the recalculation order is made.

Obligation of payor

Annual Review and Recalculation

12. (1) Subject to subsection (2), every year following the year in which a recalculation order is issued under subsection 10(1), or a notice is given under subsection 8(1), in respect of an agreement or a child support order, the Recalculation Officer shall, without application by a party, review and recalculate in accordance with section 13 the amount of child support payable under the agreement or child support order.

Annual review and recalculation

(2) The Recalculation Officer shall cease to review and recalculate, in accordance with subsection (1), the amount of child support payable under an agreement or a child support order following

Cessation of review, recalculation

(a) the expiry of the payor's obligation under the agreement or child support order to pay the amount of child support; or

(b) the receipt by the Child Support Services Office of

(i) a court order made under section 64 of the Act, or

(ii) a copy of an agreement made by the parties that precludes the recalculation, in accordance with these regulations, of child support payable.

13. (1) This subsection and subsection (2) apply where, in respect of an agreement or child support order, the Child Support Services Office has been provided with the income information of the payor under the agreement or child support order at least 30 days before the anniversary date of the most recent

Recalculation based on income information of payor

- (a) recalculation order, if any, that has been issued; or
- (b) notice, if any, that has been sent under subsection 8(1).

(2) The Recalculation Officer shall, before the anniversary date referred to in subsection (1), review and recalculate the amount of child support payable under the agreement or child support order in accordance with the applicable table by matching on the table the number of children under the age of majority to whom the agreement or child support order relates with the income of the payor, using the income information provided.

Recalculation process

(3) Where the Child Support Services Office has not been provided with the income information of the payor under an agreement or a child support order at least 30 days before the anniversary date referred to in subsection (1), the Recalculation Officer shall, before that anniversary date, review and recalculate the amount of child support payable under the agreement or child support order in accordance with the applicable table by matching on the table the number of children under the age of majority to whom the agreement or child support order relates with the deemed income of the payor, as determined in accordance with subsection (4).

Recalculation based on deemed income of payor

(4) For the purposes of subsection (3), the income of the payor is deemed to be the sum of

Deemed income of payor

- (a) the payor's income for the most recent preceding year during which
 - (i) the Child Support Services Office was provided, in or pursuant to the agreement or child support order, with income information for the payor, or
 - (ii) a recalculation order was issued in respect of the agreement or child support order, as determined using that income information or the amount of the deemed income set out in that recalculation order, as the case may be; and
- (b) 10 per cent of the payor's income referred to in clause (a).

(5) When reviewing and recalculating under this section the amount of child support payable under an agreement or a child support order, the Recalculation Officer shall round the amount payable to the nearest dollar.

Rounding to nearest dollar

14. (1) Where, after recalculating under section 13 the amount of child support payable under an agreement or a child support order, the Recalculation Officer determines that the amount would increase or decrease by less than \$5 per month, the Recalculation Officer

Notice - no change in amount payable

- (a) shall not issue a recalculation order in respect of the recalculation; and
- (b) shall send a notice, by regular mail, to the parties to the agreement or child support order that advises that no change in the amount of child support is required.

(2) Where, after recalculating under section 13 the amount of child support payable under an agreement or a child support order, the Recalculation Officer determines that the amount of child support would increase or decrease by \$5 or more per month, the Recalculation Officer shall send, by regular mail, a written notice to the parties to the agreement or child support order that advises them of

Notice - change in amount payable

- (a) the recalculated amount;
- (b) the payor's obligation under section 17 to pay the recalculated amount;
- (c) the right of each party
 - (i) to make an application to the court under section 64 of the Act seeking a variation in the amount payable under the agreement or child support order; and
 - (ii) to file a notice of objection in the form approved by the Minister with the Child Support Services Office to preclude, subject to subsection 16(1), the issuance of a recalculation order for that recalculated amount; and
- (d) the payor's right, in accordance with subsection 15(3), to object to the recalculation on the basis that the payor's income was less than the deemed income for the payor under subsection 13(4).

(3) A notice sent by regular mail in accordance with this section is deemed to be received by a party upon the expiration of seven days after the notice is mailed to the party.

Deemed receipt of notice

15. (1) Where a party to an agreement or a child support order intends to make an application to the court under section 64 of the Act for a variation of the amount of child support payable under the agreement or child support order, the party may, within 30 days after receipt of a notice referred to in subsection 14(2), file with the court and the Child Support Services Office a completed notice of objection in the form approved by the Minister that indicates that the party will, within 60 days of filing the notice of objection with the court and the Child Support Services Office,

- (a) make the application to the court under section 64 of the Act;
- (b) obtain a hearing date from the court for the application; and
- (c) serve a copy of the application and a notice of the hearing date on the other party and the Recalculation Officer.

Notice of objection

(2) Where a party, in accordance with subsection (1), files a notice of objection to a recalculation for the reason referred to in that subsection, the Recalculation Officer may not issue a recalculation order in respect of the matter until one of the circumstances described in section 16 occurs.

Recalculation order may not be issued

(3) Where the payor's actual income for the immediately preceding year is less than the deemed income used by the Recalculation Officer for the recalculation, the payor may, within 30 days after the receipt of the notice referred to in subsection 14(2), object to the recalculation by filing with the Child Support Services Office

- (a) a completed notice of objection in the form approved by the Minister, objecting to the recalculation on that basis; and
- (b) a copy of the income information for the payor for the immediately preceding year.

Objection relating to deemed income

(4) Where a payor, in accordance with subsection (3), files a notice of objection and the income information referred to in that subsection, the Recalculation Officer shall

- (a) recalculate, in accordance with subsections 13(2) and (5), the amount of child support payable using the income information provided by the payor; and
- (b) comply with the requirements of section 14.

Effect of new income information

16. (1) After sending to the parties to an agreement or a child support order the recalculation notice required by subsection 14(2), the Recalculation Officer shall make a recalculation order in respect of the recalculation where

- (a) no party has, within 30 days after receipt of the notice of recalculation, filed a notice of objection under subsection 15(1) with the court and the Child Support Services Office; or
- (b) a party has, within 30 days after receipt of the notice of recalculation, filed a notice of objection under subsection 15(1) with the Child Support Services Office, and the party has
 - (i) failed, within 60 days after filing the notice of objection with the court and the Child Support Service Office, to do or obtain any of the things referred to in clauses 15(1)(a) to (c),
 - (ii) withdrawn the application made under clause 15 (1)(a), or
 - (iii) failed, within 120 days after filing the notice of objection with the court and the Child Support Services Office, to have a court hearing of the application made under clause 15(1)(a).

Recalculation order

(2) A recalculation order made by the Recalculation Officer shall be made in writing and indicate

- (a) the recalculated amount of child support;
- (b) the date the payor is liable, pursuant to section 17, to pay the recalculated amount; and
- (c) the relevant circumstances referred to in clause (1)(a) or (b) under which the recalculation order is issued.

Requirements of recalculation order

(3) The Recalculation Officer shall

- (a) file a copy of the recalculation order with the deputy registrar of the court;
- (b) send, by regular mail, a copy the recalculation order to each of the parties; and

Recalculation order to be filed, etc.

(c) provide a copy of the recalculation order to the Director of Maintenance Enforcement.

(4) An order sent by regular mail in accordance with subsection (3) is deemed to be received by a party upon the expiration of seven days after the order is mailed to the party. Deemed receipt of order

17. After a recalculation order has been made by the Recalculation Officer under section 16 in respect of an agreement or a child support order, the payor under the agreement or child support order is liable to pay the recalculated amount of child support set out in the recalculation order on the date each month provided for in the agreement or child support order, commencing the month immediately following the month during which the recalculation order is made. Obligation of payor

Extension of Time Periods

18. (1) In this section, “state of public health emergency” means the state of public health emergency declared pursuant to subsection 49(1) of the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30.1, by Order No. EC2020-174. Definition, “state of public health emergency”

(2) Notwithstanding sections 7 to 10 and 12 to 16, a requirement for a party or the Recalculation Officer to do or obtain anything within a specified time period is, subject to an order of the court, suspended for the period commencing on the date on which this section comes into force and ending on the date that is 30 days after the date on which the state of public health emergency ends. Temporary suspension of time periods

(3) Where a time period within which a party or the Recalculation Officer is required to do or obtain anything under sections 7 to 10 or 12 to 16 is temporarily suspended under subsection (2), Effect of suspension

(a) the days during which the suspension is in effect shall not be counted; and

(b) the time period resumes running on the date that the temporary suspension ends in accordance with subsection (2).

(4) This section is revoked 90 days after the date on which Order No. EC2020-174, the declaration of a state of public health emergency pursuant to subsection 49(1) of the *Public Health Act*, is terminated or expires without being continued under that Act. Revocation

19. These regulations come into force on March 1, 2021. Commencement

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations.

SECTION 2 authorizes the Minister to designate an employee of the Department as the Recalculation Officer and sets out the Recalculation Officer’s authority, duties and powers.

SECTION 3 adopts the federal Guidelines as the guidelines governing the making of orders for child support under the Act, with the specified modifications.

SECTION 4 adopts the Federal Child Support Tables as specified.

SECTION 5 establishes the meaning of the specified terms in the context of the administrative recalculation of child support.

SECTION 6 provides for the application process for the administrative review and recalculation of child support payable under an agreement or child support order by the Recalculation Officer, including the circumstances in which the Recalculation Officer must refuse to review or recalculate the amount of child support payable. The Recalculation Officer must give notice to the parties of a refusal under the section.

SECTION 7 establishes the process for applying for review and recalculation where the income information of the payor has been provided as required under the section. Where the income information of

the payor has not been provided, the section provides the process for calculating the payor's deemed income.

SECTION 8 requires notice to be provided to the parties of the results of the recalculation, as specified.

SECTION 9 requires a party to file a notice of objection where the party intends to make an application to the court under section 64 of the Act for variation of the amount of child support payable. On doing so, the issuance of a recalculation order is temporarily stayed. A payor may also file the notice of objection on the basis that the payor's actual income is less than the deemed income calculated under subsection 7(2), and in that case, where the payor also files the required income information, the Recalculation Officer shall recalculate the amount of child support payable in accordance with subsections 7(1) and (4) and give notice to the parties as required by section 8.

SECTION 10 authorizes the Recalculation Officer to make a recalculation order in the specified circumstances. The order must be in writing and filed and distributed as specified.

SECTION 11 provides that where a recalculation order has been made, the payor is liable to pay the recalculated amount of child support on the date each month specified in the agreement or child support order, beginning the month following the month in which the recalculation order was made.

SECTION 12 sets out the process for an annual review and recalculation of the amount payable in respect of an agreement or a child support order, and specifies the circumstances in which the annual reviews shall cease.

SECTION 13 establishes the process for the annual review and recalculation of the amount of child support payable where the income information of the payor has been provided as required under the section. Where the income information of the payor has not been provided, the section provides the process for calculating the payor's deemed income.

SECTION 14 requires notice to be provided to the parties of the results of the annual recalculation, as specified.

SECTION 15 requires a party to file a notice of objection, where the party intends to make an application to the court under section 64 of the Act for variation of the amount of child support payable. On doing so, the issuance of a recalculation order is temporarily stayed. A payor may also file the notice of objection on the basis that the payor's actual income is less than the deemed income calculated under subsection 13(2), and in that case, where the payor also files the required income information, the Recalculation Officer shall recalculate the amount of child support payable in accordance with subsections 13(1) and (4) and give notice to the parties as required by section 14.

SECTION 16 authorizes the Recalculation Officer to make a recalculation order in the specified circumstances. The order must be in writing and filed and distributed as specified.

SECTION 17 provides that where a recalculation order has been made, the payor is liable to pay the recalculated amount of child support on the date each month specified in the agreement or child support order, beginning the month following the month in which the recalculation order was made.

SECTION 18 provides that the specified time periods are temporarily suspended due to the state of public health emergency. The section is revoked 90 days after Order No. EC202-174 is terminated or expires without being continued under the *Public Health Act*.

SECTION 19 provides for the commencement of these regulations.

EC2021-99

**CHILDREN'S LAW ACT
PARENTING COORDINATOR REGULATIONS**

Pursuant to section 14 of the *Children's Law Act* R.S.P.E.I. 1988, Cap. C-6.1, Council made the following regulations:

- 1.** In these regulations,
- | | Definitions |
|--|---|
| (a) "accredited education body" means a university, college or other institution which grants a degree or diploma and is established by the laws of the jurisdiction in which the university, college or institution is located; | accredited education body |
| (b) "Act" means the <i>Children's Law Act</i> R.S.P.E.I. 1988, Cap. C-6.1; | Act |
| (c) "certificate holder" means a person who holds a valid and subsisting certificate to practise as a parenting coordinator issued under section 6; | certificate holder |
| (d) "parenting coordination agreement or order" means
(i) a written agreement, or
(ii) an order of the court under section 13 of the Act, that provides that the parties shall use a parenting coordinator; | parenting coordination agreement or order |
| (e) "parenting coordination contract" means a written contract between a parenting coordinator and the parties to a parenting coordination agreement or order respecting the provision of parenting coordination services by the parenting coordinator; | parenting coordination contract |
| (f) "parenting coordinator" means a person who may act as a parenting coordinator in accordance with subsection 14(1) of the Act and these regulations; | parenting coordinator |
| (g) "Registrar" means the employee designated by the Minister under section 3; | Registrar |
| (h) "regulatory authority" means, for the purposes of subsection 4(3),
(i) a regulatory authority that is established by the laws of another province or territory for the purposes of qualifying or licensure of parenting coordinators,
(ii) the Law Society of Prince Edward Island under the <i>Legal Profession Act</i> R.S.P.E.I. 1988, Cap. L-6.1, or the governing body of the legal profession under the equivalent legislation in force in another province or territory,
(iii) the Prince Edward Island Psychologists Registration Board under Part III of the <i>Psychologists Act</i> R.S.P.E.I. 1988, Cap. P-7, or the governing body of the psychology profession under the equivalent legislation in force in another province or territory, or
(iv) the Prince Edward Island Social Work Registration Board under the <i>Social Work Act</i> R.S.P.E.I. 1988, Cap. S-5, or the governing body of the social work profession under the equivalent legislation in force in another province or territory; | regulatory authority |
| (i) "training provided by a designated body" means training provided by a body designated in the Schedule to these regulations. | training provided by a designated body |
- 2.** (1) For the purposes of the Act, parenting coordinators are a class of dispute resolution professional.
- | | |
|--|--|
| | Class of dispute resolution professional |
|--|--|
- (2) A person who meets the requirements specified in these regulations may act as a parenting coordinator in accordance with the Act and these regulations.
- | | |
|--|-------------------------|
| | Applicable requirements |
|--|-------------------------|
- (3) A person who is a parenting coordinator shall ensure that the person's practice as a parenting coordinator is in compliance with these regulations.
- | | |
|--|-----------------------------|
| | Practice shall be compliant |
|--|-----------------------------|
- 3.** The Minister may designate an employee of the Department as Registrar
- | | |
|--|--------------------------|
| | Designation of Registrar |
|--|--------------------------|
- (a) to receive applications from persons requesting certification as a parenting coordinator under these regulations;

- (b) to issue and renew certification to qualified persons; and
- (c) to carry out the other functions and responsibility assigned to the employee by the Minister.

CERTIFICATION AS A PARENTING COORDINATOR

4. (1) A person may apply to the Registrar, in the form approved by the Minister, for a certificate to practise as a parenting coordinator. Application for certification

(2) An application referred to in subsection (1) shall be accompanied by documentary evidence satisfactory to the Registrar Documentation required

- (a) of the applicant's identity;
- (b) that the applicant has successfully completed the training referred to in clause 5(4)(b), where applicable;
- (c) that the applicant has successfully completed the pre-service parenting coordination training referred to in subsection (3), where applicable;
- (d) that the applicant, as the case may be,
 - (i) if a lawyer, is a member in good standing of the Law Society of Prince Edward Island under the *Legal Profession Act*, or the governing body of the legal profession under the equivalent legislation in force in another province or territory,
 - (ii) if a psychologist or psychological associate, is registered and in good standing with the Prince Edward Island Psychologists Registration Board under Part III of the *Psychologists Act*, or
 - (iii) if a social worker, is registered by and in good standing with the Prince Edward Island Social Work Registration Board under the *Social Work Act*;
- (e) of the applicant's work experience as it relates to the requirements of clause 5(1)(a), (2)(a), (3)(a) or (4)(a) or subsection 5(6), as the case may be; and
- (f) that the applicant maintains professional liability insurance coverage in the minimum amount specified in section 5, where applicable.

(3) The pre-service parenting coordination training referred to in clause (2)(c) comprises Pre-service parenting coordination training

- (a) training, completed by the applicant within the five years immediately prior to the making of an application under this section, that is approved by an accredited education body or recognized by a regulatory authority and that includes at least
 - (i) 18 hours of training in the basic roles and responsibilities of a parenting coordinator,
 - (ii) 30 hours of training in conflict resolution, including mediation,
 - (iii) 12 hours of training in arbitration, including training in determination writing,
 - (iv) 12 hours of training in the family dynamics of separation and divorce, including training in managing high-conflict individuals and families,
 - (v) 12 hours of training in family and children's law,
 - (vi) six hours of training in civil procedure,
 - (vii) 12 hours of training in child development, including training in interviewing children, the effect of parental conflict on child development, conflict management and developing parenting plans,
 - (viii) 12 hours of family violence training; and
 - (ix) one hour of suicide prevention training;
- (b) training provided by a designated body, which the Registrar considers substantially equivalent to the training described in clause (a); or
- (c) work experience or a combination of work experience and training that the Registrar considers substantially equivalent to the training described in clause (a) or (b).

5. (1) An applicant for a certificate to practise as a parenting coordinator who is a member of the Law Society of Prince Edward Island or the governing body of the legal profession in another province or territory in Canada shall Application by member of Law Society

- (a) have five or more cumulative years of experience of family-related practice in family law or mediation in the 10 years immediately preceding the date of the application;
- (b) have successfully completed the pre-service parenting coordination training specified in subsection 4(3); and
- (c) maintain professional liability insurance that provides coverage of a minimum of \$2,000,000 in the aggregate.
- (2) An applicant for a certificate to practise as a parenting coordinator who is registered as a psychologist or psychological associate by the Prince Edward Island Psychologists Registration Board under Part III of the *Psychologists Act* shall
- Application by psychologist or psychological associate
- (a) have five or more cumulative years of experience in the 10 years immediately preceding the date of the application of family-related practice in
- (i) counselling or working as a psychologist in the field of mental health, or
- (ii) mediation;
- (b) have successfully completed the pre-service parenting coordination training described in subsection 4(3); and
- (c) maintain professional liability insurance that provides coverage of a minimum of \$2,000,000 in the aggregate.
- (3) An applicant for a certificate to practise as a parenting coordinator who is registered as a social worker by the Prince Edward Island Social Work Registration Board under the *Social Work Act* shall
- Application by social worker
- (a) have five or more cumulative years of experience of family-related practice in counselling or mediation in the 10 years immediately preceding the date of the application;
- (b) have successfully completed the pre-service parenting coordination training described in subsection 4(3); and
- (c) maintain professional liability insurance that provides coverage of a minimum of \$2,000,000 in the aggregate.
- (4) An applicant for a certificate to practise who is not described in subsections (1), (2) or (3) shall
- Other applicant
- (a) have five or more cumulative years of experience of family-related practice in counselling or mediation in the 10 years immediately preceding the date of the application;
- (b) have successfully completed training related to counselling or mediation that is approved by the Registrar;
- (c) have successfully completed the pre-service parenting coordination training described in subsection 4(3); and
- (d) maintain professional liability insurance that provides coverage of a minimum of \$2,000,000 in the aggregate.
- (5) The requirements respecting professional liability insurance coverage in clauses (1)(c), (2)(c) and (3)(c) do not apply to an applicant who provides proof satisfactory to the Registrar that the applicant is not required to maintain professional liability insurance coverage under the *Legal Profession Act*, the *Psychologists Act* or the *Social Work Act*, as the case may be.
- Insurance coverage - exemption
- (6) The requirements respecting successful completion of the pre-service parenting coordination training specified in clauses (1)(b), (2)(b), (3)(b) and (4)(c) do not apply to an applicant who provides proof satisfactory to the Registrar that the applicant has successfully completed
- Pre-service parenting coordination training - exemption
- (a) three or more cumulative years of experience as a parenting coordinator in another province or territory in the 10 years immediately preceding the date of the application; or
- (b) the training required by the laws of another province or territory to act as a parenting coordinator.
- 6.(1) The Registrar, on review of a completed application, shall, if satisfied that the applicant meets the qualifications and requirements set out in sections 4 and 5,
- Issuance of certificate
- (a) issue to the applicant a certificate to practise as a parenting coordinator for a term of one year; and
- (b) assign a registration number to the applicant and endorse the number on the certificate.

- (2) A person is qualified to act as a parenting coordinator if the person holds a valid and subsisting certificate to practise as a parenting coordinator issued under this section. Qualifications
- (3) A certificate to practise as a parenting coordinator expires on the earliest of Expiry
- (a) the date specified on the certificate;
 - (b) the date the certificate holder no longer meets the applicable requirements of clause 4(2)(d); or
 - (c) the date the certificate holder ceases to maintain professional liability insurance coverage as specified in section 5.
- (4) A certificate holder who ceases to maintain professional liability insurance coverage as specified in section 5, or whose professional liability insurance coverage is cancelled for any reason, shall immediately notify the Registrar. Obligation to notify
- 7.** (1) A certificate holder may apply to the Registrar, in the form approved by the Minister, to renew the holder's certificate to practise as a parenting coordinator for a term of one year. Renewal of certificate
- (2) An application referred to in subsection (1) shall be accompanied by documentary evidence satisfactory to the Registrar that the certificate holder Documentation required
- (a) continues to meet the applicable requirements of clause 4(2)(d);
 - (b) continues to maintain the professional liability insurance coverage required pursuant to section 5; and
 - (c) has successfully completed six hours of continuing education related to parenting coordination approved by the Registrar.
- (3) The Registrar, on review of a completed application, shall renew the applicant's certificate to practise as a parenting coordinator for a term of one year if satisfied that the applicant has met the requirements of subsection (2). Renewal
- (4) Where a certificate holder applies to the Registrar to renew a certificate to practise as a parenting coordinator before the certificate expires, the certificate shall be deemed to continue in force until the Registrar Continuation of certificate
- (a) renews the certificate; or
 - (b) refuses to renew the certificate.

PARENTING COORDINATION

- 8.** Before assisting the parties to a dispute under the Act in the capacity of a parenting coordinator, the parenting coordinator shall Preconditions respecting practice
- (a) enter into a parenting coordination contract, in the form approved by the Minister, for the provision of parenting coordination services with the parties to the dispute; and
 - (b) provide written confirmation to the parties to the dispute that the parenting coordinator holds a valid and subsisting certificate to practise as a parenting coordinator issued in accordance with these regulations.
- 9.** (1) A parenting coordinator may act only Restrictions on practice
- (a) if there is a parenting coordination agreement or order in place; and
 - (b) for the purpose of implementing the terms of a parenting coordination agreement or order respecting parenting time, decision-making responsibility or contact with a child.
- (2) Where a party who is ordered to use a parenting coordinator appointed under section 13 of the Act refuses to enter into a parenting coordination contract, the court, on motion by the other party, may draw an adverse inference against the party who refused to enter into the parenting coordination contract and may find that party in contempt of court. Effect of refusal
- 10.** (1) A parenting coordination agreement or order may be made at the same time as, or after, an agreement or order is made respecting parenting time, decision-making responsibility or contact with a child. Timing of agreement or order

(2) A parenting coordinator's authority to act in respect of a parenting coordination agreement or order is terminated two years after the parenting coordination agreement or order is made, unless the parenting coordination agreement or order specifies that the parenting coordinator's authority is to end on an earlier date or on the occurrence of an earlier event as specified in subsection (4).

Expiry of authority to act under agreement or order

(3) Despite subsection (2), a parenting coordination agreement or order may be extended by a further parenting coordination agreement or order, but the term of a further parenting coordination agreement or order shall be for no more than two years.

Extension of agreement or order

(4) A parenting coordination agreement or order may be terminated at any time

Termination of order or agreement

(a) in the case of a parenting coordination agreement, by agreement of the parties or by an order made on application by either of the parties;

(b) in the case of a parenting coordination order, by an order made on application by either of the parties; or

(c) in any case, by the parenting coordinator, on giving notice to the parties and, if the parenting coordinator is acting under a parenting coordination order, to the court.

11. A party shall, for the purposes of facilitating parenting coordination, provide the parenting coordinator with

Obligations of party

(a) information requested by the parenting coordinator; and

(b) authorization for the parenting coordinator to request and receive information respecting a child or a party from a person who is not a party.

12. (1) A parenting coordinator may, in accordance with these regulations, assist the parties

Assistance by parenting coordinator

(a) by building consensus between the parties, including by

(i) creating guidelines respecting how a parenting coordination agreement or order will be implemented,

(ii) creating guidelines respecting communication between the parties,

(iii) identifying and creating strategies for resolving conflicts between the parties, and

(iv) providing information respecting resources available to the parties for the purposes of improving communication or parenting skills; and

(b) by making determinations in accordance with the regulations respecting the matters prescribed for the purposes of subsection (2).

(2) A parenting coordinator

Limits of parenting coordinator's authority

(a) may assist or make a determination only in respect of matters referred to in subsection 14(1), subject to any limits or conditions set out in these regulations; and

(b) shall not assist or make a determination respecting any matter excluded by the parenting coordination agreement or order, even if the matter is a matter referred to in subsection 14(2).

(3) In making a determination, a parenting coordinator shall consider only the best interests of the child.

Best interests of child paramount

(4) A parenting coordinator may make a determination at any time.

Determination at any time

(5) A parenting coordinator may make an oral determination, but shall put the determination into writing and sign it as soon as practicable after the oral determination is made.

Determination may be oral

(6) Subject to subsection 16(2) of the Act, a determination of a parenting coordinator

Effect of determination

(a) is binding on the parties, effective on the date the determination is made or on a later date specified by the parenting coordinator; and

(b) if filed with the court in accordance with section 16 of the Act, is enforceable under the Act in accordance with that section.

13. A parenting coordinator shall include the following information in each written determination made pursuant to a parenting coordination agreement or order:

Written determination - information

- (a) the name and contact information of the parenting coordinator;
- (b) the registration number endorsed on the parenting coordinator's certificate to practise as a parenting coordinator.

- 14.** (1) A parenting coordinator may make determinations only in respect of
- Scope of parenting coordinator's authority
- (a) a child's daily routine, including a child's schedule in relation to parenting time or contact with the child;
 - (b) the education of a child, including in relation to the child's special needs;
 - (c) the participation of a child in extracurricular activities and special events;
 - (d) the temporary care of a child by a person other than a person who has a right to parenting time with the child under an agreement or parenting order;
 - (e) the provision of routine medical, dental or other health care to a child;
 - (f) the discipline of a child;
 - (g) the transportation and exchange of a child for the purposes of assisting a person to exercise a right to parenting time with the child;
 - (h) access with a child during vacations and special occasions;
 - (i) a child's personal belongings including, but not limited to, a child's toys, clothing, and items required for extracurricular activities; and
 - (j) other matters, other than those specified in subsection (2), that are agreed on by the parties and the parenting coordinator or are ordered by the court.

- (2) A parenting coordinator shall not make a determination in respect of
- Prohibited matters
- (a) a change respecting who has parenting time or decision-making responsibility in respect of a child;
 - (b) a change in the allocation of decision-making responsibility;
 - (c) giving contact with a child to a person who does not have a right to contact with the child pursuant to a contact order or a written agreement;
 - (d) a change in the allocation of parenting time that would affect the calculation of child support under the Act;
 - (e) the relocation of a child;
 - (f) spousal support;
 - (g) child support; or
 - (h) the division or possession of property, or the division of family assets or debts, except as provided in clause (1)(i).

- 15.** These regulations come into force on March 1, 2021.
- Commencement

SCHEDULE

For the purposes of clause 1(i), the following bodies are designated:

- (a) the Family Dispute Resolution Institute of Ontario;
- (b) the British Columbia Parenting Coordination Roster Society;
- (c) Mediation PEI;
- (d) the Canadian Institute of Conflict Resolution;
- (e) the Department of Justice and Public Safety, Government of Prince Edward Island.

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations.

SECTION 2 provides that parenting coordinators are a class of dispute resolution professionals for the purposes of the Act. The section also authorizes persons who meet the requirements of the regulations to act as parenting coordinators and requires them to ensure that their practice as parenting coordinators complies with the regulations.

SECTION 3 authorizes the Minister to designate an employee of the Department as Registrar for the purpose of certifying qualified persons as parenting coordinators.

SECTION 4 sets out the application process for certification as a parenting coordinator and specifies certain requirements an applicant must meet.

SECTION 5 specifies the additional requirements, including insurance coverage, to be met by an applicant who is a member of the Law Society, a psychologist or psychological associate or a social worker, or who is not a member of any of those professions.

SECTION 6 authorizes the Registrar to issue a certificate to practice as a parenting coordinator to a qualified applicant. The holder of a certificate is required to notify the Registrar immediately if the holder's insurance coverage is allowed to lapse or is cancelled for any reason.

SECTION 7 authorizes the renewal of a holder's certificate to practice in the specified circumstances.

SECTION 8 requires that a parenting coordinator, before assisting the parties to a dispute, must enter into a parenting coordination contract with them and provide written confirmation to them that the parenting coordinator holds a valid and subsisting certificate to practice.

SECTION 9 specifies the limits of a parenting coordinator's authority to act. The section also provides that where a party refuses to enter into a parenting coordination contract, the court, on a motion by the other party, may draw an adverse inference against the party who refused and may find that party in contempt of court.

SECTION 10 provides that a parenting coordinator's authority to act in respect of a parenting coordination agreement or order is terminated two years after the agreement or order is made, unless terminated earlier as specified, subject to extension for no more than two additional years. The section also sets out the circumstances under which the parenting coordination agreement or order may be terminated at any time.

SECTION 11 requires the parties to provide information and the necessary authorization to the parenting coordinator in order to facilitate parenting coordination.

SECTION 12 sets out the ways in which a parenting coordinator is permitted to assist the parties to a dispute, and also sets out limits to the authority of the parenting coordinator. A determination of the parenting coordinator is binding on the parties and if filed with the court in accordance with the Act is enforceable under the Act.

SECTION 13 specifies the information a parenting coordinator must include in a written determination.

SECTION 14 lists the matters a parenting coordinator may make a determination in respect of, and also matters a parenting coordinator is not permitted to make a determination in respect of, for clarity.

SECTION 15 provides for the commencement of these regulations.

EC2021-100

CHILDREN'S LAW ACT PARENTAGE TESTING REGULATIONS

Pursuant to section 87 of the *Children's Law Act* R.S.P.E.I. 1988, Cap. C-6.1, Council made the following regulations:

1. In these regulations,

Definitions

(a) "Act" means the *Children's Law Act* R.S.P.E.I. 1988, Cap. C-6.1; Act

- (b) “party” means a person who is a party to an application under Part 4 of the Act; party
- (c) “testing facility” means a laboratory which conducts parentage tests that is testing facility
- (i) operated by Health PEI,
- (ii) accredited by the Standards Council of Canada, or
- (iii) approved by the order of the court to conduct a parentage test for the purposes of section 25 of the Act.
- 2.** (1) Where a court orders a person to have a tissue sample or blood sample, or both, taken pursuant to section 25 of the Act, Parties to give blood samples
- (a) the person shall attend at the office of a medical practitioner or other qualified person as directed by the court to have the sample taken; and
- (b) in the case of a child who is under 18 years of age, a parent of the child or other person with legal authority to make decisions in respect of the child shall ensure that the child attends at the office of the medical practitioner or other qualified person as directed by the court to have the child’s sample taken.
- (2) For greater certainty, subsection (1) does not require persons to attend at the office of the same medical practitioner or other qualified person. Attendance
- (3) Adult parties presenting themselves for the taking of blood or tissue samples under this section are required to present proof of identity to the medical practitioner or other qualified person by production of Proof of identity
- (a) a driver’s license with photograph;
- (b) a passport; or
- (c) another means of identification that the court specifies in the order.
- (4) Subsection (3) does not apply where the person is known personally to the medical practitioner or other qualified person and is identified on that basis. Exception
- (5) Where the identity of a person who has been tested in accordance with these regulations is in dispute, the court may require the medical practitioner or other qualified person who took the blood or tissue sample to attend as a witness at the hearing of the application under Part 4 of the Act. Where identity in dispute
- (6) The medical practitioner or other qualified person who took the blood or tissue sample shall Duty of medical practitioner or other person
- (a) send the sample to the testing facility and request that the testing facility conduct a parentage test; and
- (b) on request of the party whose blood or tissue sample has been taken, provide written confirmation to the party that
- (i) the blood or tissue sample of the party or child or both, as the case may be, was taken for the purposes of conducting a parentage test, and
- (ii) the date that the sample was taken.
- (7) A party that receives a written confirmation referred to in clause (6)(b) shall, on the request of a party to the application or the direction of the court, file the written confirmation with the Registrar. Party to file written confirmation
- 3.** (1) Where a testing facility conducts a parentage test for the purposes of section 25 of the Act, Function of testing facility
- (a) the blood or tissue sample of the person and the child shall be tested in order to exclude or not exclude the person as the parent of the child; and
- (b) the results of the parentage test shall be reported in writing to
- (i) the person who requested that the parentage test be conducted under clause 2(6)(a), or
- (ii) the medical practitioner of the party whose blood or tissue sample was taken.
- (2) The person referred to in clause (1)(b) who receives the results of the parentage test shall provide a written copy of the results to the party whose blood or tissue sample was taken and to the Registrar. Person to provide written copy of results

(3) The Registrar shall send copies of the results of the parentage test to the respective parties. Copies to parties

(4) A written copy of the parentage test results that is provided by a testing facility is receivable in evidence as proof that the blood or tissue sample of the party named has been tested and matched as reported. Evidence - written copy of results

(5) A written copy of the parentage test results, signed by an authorized representative of the testing facility that conducted the parentage test, shall, without further proof, be admissible in evidence as proof of the exclusion or non-exclusion of an alleged parent with respect to the parentage of the child named in the report. Evidence - signed copy of results

4. These regulations come into force on March 1, 2021. Commencement

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations.

SECTION 2 sets out the requirements to be complied with where a court orders a person to have a tissue sample or blood sample, or both, taken pursuant to section 25 of the Act.

SECTION 3 sets out the requirements that apply to a testing facility that conducts a parentage test pursuant to section 25 of the Act, and also sets out who is required to provide a written copy of the results of a parentage test to the Registrar. The Registrar is required to send copies of the results to the parties. The section also states that a written copy of the test results is receivable in evidence as proof that the blood to tissue sample of the named party has been tested as reported, and a copy that has been signed by an authorized representative of the testing facility is, without further proof, admissible in evidence as proof of the exclusion or non-exclusion of an alleged parent with respect to the parentage of the child named in the report.

SECTION 4 provides for the commencement of the regulations.

EC2021-101

CHILD STATUS ACT BLOOD TESTING REGULATIONS REVOCATION

Pursuant to section 11 of the *Child Status Act* R.S.P.E.I. 1988, Cap. C-6, Council made the following regulations:

1. The *Child Status Act* Blood Testing Regulations (EC148/88) are revoked.

2. These regulations come into force on March 1, 2021.

EXPLANATORY NOTES

SECTION 1 revokes the Blood Testing Regulations made under the *Child Status Act*.

SECTION 2 provides for the commencement of these regulations.

EC2021-102

**CRIMINAL CODE OF CANADA
PRINCE EDWARD ISLAND REVIEW BOARD
APPOINTMENT**

Pursuant to section 672.38 of the *Criminal Code of Canada*, R.S.C. 1985, Chap. C-46, Council made the following appointment:

NAME	TERM OF APPOINTMENT
as member	
Dr. Jason Doiron Mount Herbert (reappointed)	1 April 2021 to 1 April 2024

EC2021-103

**CUSTODY JURISDICTION AND ENFORCEMENT ACT
PARENTING COORDINATOR REGULATIONS
REVOCATION**

Pursuant to section 15.5 of the *Custody Jurisdiction and Enforcement Act* R.S.P.E.I. 1988, Cap. C-33, Council made the following regulations:

- 1. The *Custody Jurisdiction and Enforcement Act* Parenting Coordinator Regulations (EC541/19) are revoked.**
- 2. These regulations come into force on March 1, 2021.**

EXPLANATORY NOTES

SECTION 1 revokes the Parenting Coordinator Regulations made under the *Custody Jurisdiction and Enforcement Act*.

SECTION 2 provides for the commencement of these regulations.

EC2021-104

**FAMILY LAW ACT
ADMINISTRATIVE RECALCULATION OF
CHILD SUPPORT REGULATIONS
REVOCATION**

Pursuant to subsection 61(5) of the *Family Law Act* R.S.P.E.I. 1988, Cap. F-2.1, Council made the following regulations after consultation with the Chief Justice of Prince Edward Island and the Chief Justice of the Trial Division.

- 1. The *Family Law Act* Administrative Recalculation of Child Support Regulations (EC465/03) are revoked.**
- 2. These regulations come into force on March 1, 2021.**

EXPLANATORY NOTES

SECTION 1 revokes the Administrative Recalculation of Child Support Regulations made under the *Family Law Act*.

SECTION 2 provides for the commencement of these regulations.

EC2021-105

**FAMILY LAW ACT
CHILD SUPPORT GUIDELINES REGULATIONS
REVOCATION**

Pursuant to section 61 of the *Family Law Act* R.S.P.E.I. 1988, Cap. F-2.1, Council made the following regulations:

1. The *Family Law Act* Child Support Guidelines Regulations (EC668/97) are revoked.

2. These regulations come into force on March 1, 2021.

EXPLANATORY NOTES

SECTION 1 revokes the Child Support Guidelines Regulations made under the *Family Law Act*.

SECTION 2 provides for the commencement of these regulations.

EC2021-106

**MENTAL HEALTH ACT
MENTAL HEALTH REVIEW BOARD
APPOINTMENTS**

Pursuant to section 27 of the *Mental Health Act* R.S.P.E.I. 1988, Cap. M-6.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
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as chairperson, via clause 27(3)(a)

Thomas Keeler	24 December 2020
Charlottetown	to
(vice Scott Burke, term expired)	24 December 2022

as alternate chairperson, via subsection 27(4)

David W. Hooley, Q.C.	24 December 2019
Charlottetown	to
(reappointed)	24 December 2022

Thomas Keeler	24 December 2019
Charlottetown	to
(reappointed)	24 December 2020

as psychiatrist, via subsection 27(3)(b)

Dr. Mark Triantafillou	24 December 2020
Charlottetown	to
(reappointed)	24 December 2023

as alternate psychiatrists, via subsection 27(4)

Dr. Robert Jay	24 December 2019
Stratford	to
(reappointed)	24 December 2022

as lay member, via subsection 27(3)(c)

Shelly Higgins	24 December 2020
Charlottetown	to
(reappointed)	24 December 2023

as alternate lay member, via subsection 27(4)

Blakeney MacMurdo	16 February 2021
Charlottetown	to
(vice Juanita Gallant, term expired)	16 February 2024